

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LUGENE DELIVEN BURNETT,

Defendant.

8:22CR166

**ORDER ON PETITION FOR ACTION ON
CONDITIONS OF PRETRIAL RELEASE**

The defendant appeared before the Court on January 31, 2023 regarding Petition for Action on Conditions of Pretrial Release [26]. Kelly M. Steenbock represented the defendant. John E. Higgins represented the government. The defendant was advised of the alleged violation(s) of pretrial release, the possible sanctions for violation of a release condition, and the right to a hearing in accordance with the Bail Reform Act. 18 U.S.C. § 3148.

The defendant entered an admission to violating condition(s) of release. The Court took judicial notice of the petition and violation report. The court finds the defendant freely, knowingly, intelligently, and voluntarily admitted violating release conditions (n) and (x). The Court further finds there is clear and convincing evidence that a condition was violated. Therefore, the Court finds the defendant violated the Order Setting Conditions of Release [16].

The government requested an order of revocation and detention. The defendant requested release on present or amended conditions. After consideration of the report of Pretrial Services and the arguments of the parties, and affording the defendant an opportunity for allocution, the Court finds there are conditions or combination of conditions that will reasonably assure the defendant will not flee or will not pose a danger to any other person or the community, and the defendant is likely to abide by conditions of release. The government's request for revocation and detention is denied. The Order Setting Conditions of Release [16] shall not be revoked and the defendant shall be released on the current terms and conditions of supervision to include that he must contact the Miracles Program today for placement as soon as it's available. If the Defendant cannot start the Miracles Program today or tomorrow, he must report to the Douglas County Health program, for his mental health, from 8:00 am to 3:00 p.m. starting tomorrow and continuing every day until he starts the Miracles Program.

IT IS SO ORDERED.

Dated this 31st day of January, 2023.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge